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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STEPHEN WENDELL AND LISA WENDELL,  
for themselves and as successors in interest to  
MAXX WENDELL, DECEASED,

Plaintiffs,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;  
ABBOTT LABORATORIES; SMITHKLINE  
BEECHAM d/b/a GLAXOSMITHKLINE; TEVA  
PHARMACEUTICALS USA; GATE  
PHARMACEUTICALS, a division of TEVA  
PHARMACEUTICALS USA; PAR  
PHARMACEUTICAL, INC.;

Defendants.

CASE NO. 4:09-CV-04124-CW

**STIPULATED REQUEST FOR ORDER  
EXTENDING TIME AND ORDER**

Removal Filed: September 4, 2009

**STIPULATION**

Pursuant to Rule 6-2(a), the parties jointly request that the deadlines be extended as set forth herein.

On July 7, 2011, defendants Abbott Laboratories (“Abbott”) and SmithKline Beecham d/b/a/ GlaxoSmithKline (“GSK”) filed motions for summary judgment pursuant to *Fed. R. Civ. P. 56* (“Motions”), both to be heard on August 11, 2001 at 2:00 p.m. Under L.R. 7-3, plaintiffs’ oppositions are to be filed on or before July 21, 2011, and defendants’ replies to be filed on or before July 28, 2011. The parties hereto have conferred and request that the Court amend the briefing schedule and continue the hearing dates as follows: plaintiffs shall file their oppositions on or before July 28, 2011; defendants hereto shall file their oppositions on or before August 11, 2011; the hearing on GSK’s motion for summary judgment is continued to September 1, 2011 at 2:00 p.m.; and the hearing on Abbott’s motion for summary judgment is continued to September 8, 2011 at 2:00 p.m.

Previous time modifications in the case. On or about December 20, 2010, the Court granted the parties’ request to extend the deadline to conduct mediation to June 29, 2011. On or about February 3, 2011, the Court granted the parties’ request to extend the discovery end date until June 30, 2011, and ordered that Plaintiffs designate testifying experts and provide related reports by August 12, 2011, Defendants designate testifying experts and provide related reports by October 30, 2012 [sic], the parties complete expert discovery on or before December 14, 2011, and dispositive motions be heard on or before (and a case management conference would be set for) January 26, 2012. The trial date was not continued.

On or about June 23, 2011, the Court granted parties’ request to continue the mediation deadline to September 15, 2011; vacate all other deadlines; stay discovery until after the mediation or ruling on the defendants’ summary judgment motions, whichever comes later; and allow the parties to file a proposed scheduling order within two weeks of the mediation (in the event it is unsuccessful) or ruling on defendants’ motions for summary judgment, whichever comes later.

**THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

1. Plaintiff’s opposition briefs shall be filed on or before July 28, 2011.

2. Defendants' reply briefs shall be filed on or before August 11, 2011.

3. The hearing date for GSK's motion for summary judgment is continued to September 1, 2011 at 2:00 p.m.

4. The hearing date for Abbott's motion for summary judgment is continued to September 8, 2011 at 2:00 p.m.

5. DECLARATION PURSUANT TO L.R. 6-2(a): The parties declare that (1) the reason for the requested enlargement of time is plaintiffs' counsel has been otherwise engaged in completing extensive expert discovery under deadlines in another drug product liability case pending in federal court in the Northern District of Illinois and needs additional time to respond to the within motions. The parties hereto do not anticipate that this modification of the briefing schedule and hearings on the Motions will affect other deadlines in this case.

DATED: July 20, 2011

/s/ Kevin Haverty

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*d/b/a GlaxoSmithKline*

PURSUANT TO STIPULATION, IT IS SO ORDERED. **Except that both motions will be heard together, on Sept 1 or 8 or a later Thursday on which the Court and parties are available. If the parties can't agree on a date the motions will be decided on the papers.**

Dated: July 21, 2011

  
CLAUDIA WILKEN  
United States District Judge

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Kevin Haverty, am the ECF user whose ID and password are being used to file this STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Traci L. Shafroth, counsel for Abbott Laboratories; William A. Hanssen, counsel for SmithKline Beecham Corporation.

/s/ Kevin Haverty

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 20, 2011, I electronically filed the foregoing STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses registered, as denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed a true and correct copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants listed below:

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: July 20, 2011

By: s/ Kevin Haverty

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